

REMARKS

These remarks are responsive to the Examiner's action mailed May 31, 2007. All rejections and objections of the Office Action have been herein addressed. Accordingly, reconsideration is respectfully requested in view of these remarks and amendments.

Claims 1-40 are pending.

Claims 1, 3, 4, 7-16, 18, 19 and 22-30 have been allowed.

Claims 38-40 stand rejected.

Claim 38 has been herein amended.

Claims 1,9, 16,24 and 38 are independent.

Claims 38-40 had been indicated as allowable in the previous office action but have been rejected on new art cited by the Examiner.

The Office Action rejects claim 38 under 35 U.S.C. 102(b) based on U.S. Patent No. 5,258,979 to Oomura, et al. (Oomura '979). The Office Action specifically suggests that the newly cited Oomuro '979 reference anticipates the claimed detection of a negotiation event (Col. 5, lines 20-25). Oomuro '979, however, refers specifically to a call setup (Col. 5:20) as the triggering event for modifying bandwidth. In contrast, the present invention detects a negotiation event which occurs independently of call setup. Claim 38 has been herein amended with subject matter of claim 3, to clarify that the negotiation event indicates at least one of: i) that an actual resource setting of the communications channel substantially equals the current resource setting for the communications channel; ii) that an actual resource setting of the communications channel substantially exceeds the current resource setting for the communications channel, to further clarify and distinguish claim 38. Further, bandwidth changes subsequent to setup, as discussed at Col. 13, line 52-col. 14, line 12, still do not show, teach, or disclose the detection of the claimed negotiation event as recited in amended claim 38 and discussed further at page 7, line 9-page 8, line 11 of the specification as filed because that is no recitation of the corresponding resource settings.

As the remaining objected and rejected claims depend from claim 38, it is respectfully submitted that all claims in the case are now in condition for allowance. A notice of allowance is therefore requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/CJL/

Christopher J. Lutz, Esq.
Attorney for Applicant(s)
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661
Customer No.: 022468

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